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GENERAL PROVISIONS OF PURCHASE

- 1 **DISCOUNT.** Discount time will be computed from the date of delivery or date of receipt of correct invoice, whichever is later. Invoices received, or deliveries made, on, or after the 25th of a month shall be deemed to have been received or delivered on the first of the following month.
- **2 TAXES.** (a) This purchase is not subject to State or local taxes. (b) Unless otherwise specified, the articles called for herein are for resale, and the prices therefore exclude Federal Retailer's Excise Tax.
- **INSPECTION.** Inspection will be made after the delivery at the destination specified herein. Any merchandise not in conformity with the specifications will be rejected and any expense arising therefrom will be borne by the Supplier.
- 4 PAYMENT. Payment will only be made from the non-appropriated funds available to the Coast Guard NAFA Management Division and liability to the Supplier hereunder shall be limited to the said non-appropriated funds.
- **5 BACK ORDERS.** Merchandise on back order shall be shipped prepaid at the expense of the Supplier, if the multiple shipment will result in a total transportation cost higher than the transportation cost of one single shipment. This paragraph shall not apply if shipments are specified on the face hereof to be made via parcel post.
- 6 FEDERAL HAZARDOUS SUBSTANCE LABELING ACT. The seller hereby warrants and guarantees that no article delivered hereunder shall be in a misbranded package within the meaning of the Federal Hazardous Substance Labeling Act (15 U.S. Code, Section 1261, et seq.)
- DISPUTES. (a) As used in this clause, the term "Contracting Officer" means that person executing or administering a contract on behalf of a Coast Guard NAFA activity on behalf of the Coast Guard NAFA Management Division properly designated successor of such person. (b) Any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Commandant (G-PXM). The decision of the Commandant of his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision. (c) This "Disputes" Clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (b) above: Provided, That nothing in this contract shall be construed as making final the decision of any administrative official, representative or board on a question of law.
- **8 TRANSFER OR ASSIGNMENT PROHIBITED.** Neither this Purchase Order nor any interest herein nor any claim hereunder shall be transferred by the supplier to any party or parties.
- **9 EQUAL EMPLOYMENT OPPORTUNITY.** The clause set forth in section 204 of executive order 11246 of September 24, 1965 is incorporated herein by this reference with the same force and effect as set forth herein in full.
- 10 Purchaser may refuse or return at Seller's expense.
 - (a) Any billing or merchandise with item prices higher than those stated on the face of this purchase order.
 - (b) Shipments made before or after the dates specified on the face of this order.
 - (c) Shipments in excess of quantities ordered.
- 11 Purchaser is not responsible for any product liability associated with the manufacture of or defect in the products ordered.

SPECIAL MARKINGS AND INSTRUCTIONS